IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SECOND DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 9435 of 2004

Between:

G.Mahesh, S/o.Suryanarayana,
H.No.1-37, Reddy Nagar, Penmantre Village,
Garuvu Mandal, West Godavari District.

..... PETITIONER

AND

1 State of Andhra Pradesh, rep. by its Special Chief Secretary,
Transport, (R&B) Department, Government of Andhra Pradesh,
Hyderabad.
2 The Engineer in Chief, R&B Department,
Erramanzil, Hyderabad.
3 The A.P. State Road Development Corporation,
rep. by its Managing Director, Erramanzil, Hyderabad.
4 F.C.S.Petere, S/o.M.N.Petere, Ex.Officio Engineer in Chief,
R&B and Managing Director, A.P. Road Development

Corporation, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to call for the records issue a writ or order or direction more particularly one in the nature of writ of Quo-warranto by order of ouster of the 4th respondent from the public post of the Managing Director of the 3rd respondent and declare the public

post of Managing Director of 3rd respondent as vacant and consequently set aside G.O.Rt.No.822, Transport, R&B (Service-1) Department, Dt.29/07/2003, being illegal, arbitrary and further consequently set aside all the acts of the 4th respondent done as Managing Director of the 3rd respondent are without jurisdiction.

Counsel for the Petitioner: MR V.R. AVULA

Counsel for Respondents 1 & 2: THE ADVOCATE GENERAL AND GOVERNMENT PLEADER FOR TRANSPORT

Counsel for Respondent No.3: None appeared.

Counsel for Respondent No.4: MR J.SUDHEER

The Court made the following ORDER:

(Per Hon'ble B.Sudershan Reddy, J)

This writ petition has been filed in purported public interest praying this Court to issue a Writ of Quo-Warranto and order the ouster of the fourth respondent from the public post of the Managing Director of the third respondent-The Andhra Pradesh State Road Development Corporation, Hyderabad (for short, 'the Corporation') and to declare the public post of the Managing Director of the third respondent as vacant. The petitioner has also prayed to issue appropriate orders setting aside the G.O.Rt.No.822, Transport, R&B (Service.1) Department, dated 29-07-2003, as illegal and arbitrary. The petitioner, of course, seeks further direction to declare all the acts of the fourth respondent, who is the Managing Director of the third respondent-Corporation, as without jurisdiction.

Notwithstanding the serious contentions raised by the learned Senior Counsel appearing on behalf of the petitioner herein challenging the Governmental Order, where under the fourth respondent herein is appointed as Managing Director of the third respondent-Corporation, we are not inclined to adjudicate this writ petition on merits for the reason that the term of the fourth respondent has come to an end on 31-07-2004. He is not holding any office as on today.

Learned Government Pleader for Transport stated that the fourth respondent has been relieved from his office and the post of Managing Director of the third respondent-Corporation is vacant as on today.

It is very well settled and needs no restatement in our hands that this Court, in exercise of its jurisdiction under Article 226 of the Constitution of India, does not

undertake to adjudicate the academic issues as the one raised in the instant writ petition. Any further enquiry in this writ petition, in our considered opinion, would be a futile exercise.

In such view of the matter, this writ petition shall stand dismissed, without granting any relief whatsoever to the petitioner.

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(B.SUDERSHAN REDDY, J)

Dated: 2nd August, 2004.

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(K.C.BHANU, J)

Grr/Ak*

To

1.The Special Chief Secretary, Transport, (R&B) Department,

Government of Andhra Pradesh, Hyderabad.
2.The Engineer in Chief, R&B Department,
Erramanzil, Hyderabad.
3.The Managing Director, A.P. State Road Development

Corporation, Erramanzil, Hyderabad.
4.Two CCs to the Government Pleader for Transport, High Court

Buildings, Hyderabad (O.U.T).

5.Two CD copies.